

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RAFAEL BERNARDO BAILON,

Plaintiff,

vs.

AACH HOLDING CO., No. 2, LLC, et al.,

Defendants.

CASE NO. 10cv1654-H (NLS)

**ORDER DENYING EX PARTE
APPLICATION FOR AN ORDER
DIRECTING THE ISSUANCE OF A
TEMPORARY VISA**

[Doc. No. 56.]

On March 14, 2012, Plaintiff filed an *ex parte* motion in this action. (Dkt. No. 56.) He is seeking an Order from this Court “directing the U.S. Department of State and the Department of Homeland Security to issue a temporary, nonimmigrant visa to Plaintiff for 90 days.” *Id.* at 7.¹ He asserts this visa is necessary to complete his medical treatment and to complete this action. *Id.* at 6. Defendants oppose the motion. (Dkt. No. 57.)

Plaintiff cites no authority to suggest that this Court has the jurisdiction to compel the issuance of a visa to a foreign national. It is well-settled that a consul’s decision to grant or deny a visa is not subject to judicial review, except under very limited circumstances which are not present here. *See Li Hing of Hong Kong, Inc. v. Levin*, 800 F.2d 970 (9th Cir. 1986); *Ventura-Escamilla v. INS*, 647 F.2d 28 (9th Cir. 1981).


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¹Citations to Plaintiff’s motion refer to the internal page numbers of the document.

1 **ACCORDINGLY**, Plaintiff's motion for this Court to direct the issuance of a visa is hereby
2 **DENIED.**

3 **IT IS SO ORDERED.**

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5 DATED: March 22, 2012

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7 Hon. Nita L. Stormes
8 U.S. Magistrate Judge
9 United States District Court
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